

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCISCO EMETERIO,

Plaintiff,

-v-

A & P RESTAURANT CORP. d/b/a REMEDY DINER,
et al.,

Defendants.
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20-CV-970 (JMF)

ORDER

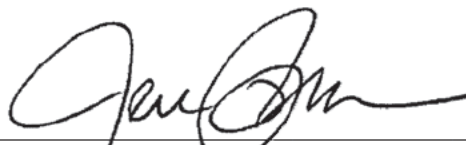
JESSE M. FURMAN, United States District Judge:

As discussed, and for the reasons stated, on the record during the teleconference held on earlier today, the Court orders as follows:

- The parties are granted an extension until **July 1, 2021**, to complete the depositions referenced in Paragraph 4 of the so-ordered stipulation dated May 5, 2021, ECF No. 94;
- **By the same date**, the parties shall confer with one another and file a joint letter proposing a four-part briefing schedule for the parties' anticipated cross-motions for summary judgment (and any associated motions for sanctions), such that Plaintiffs shall file their motion; followed by Defendants' opposition and cross-motion in a single, consolidated memorandum of law; followed by Plaintiffs' consolidated reply and opposition to the cross-motion; followed by Defendants' reply;
- Unless and until the Court orders otherwise, Plaintiffs shall file any motion for summary judgment (and associated motion for sanctions) no later than **August 6, 2021**;
- With the exception of the depositions described above, discovery is closed. The parties have not (and cannot) show good cause for an extension given, among other things, their general lack of due diligence in this matter. *See* Fed. R. Civ. P. 16(b)(4) ("A schedule may be modified only for good cause and with the judge's consent."); *Grochowski v. Phoenix Const.*, 318 F.3d 80, 86 (2d Cir. 2003) ("A finding of good cause depends on the diligence of the moving party."). That said, the parties are encouraged to cure any outstanding discovery obligations by July 1, 2021, to avoid the imposition of sanctions.

SO ORDERED.

Dated: June 3, 2021
New York, New York



JESSE M. FURMAN
United States District Judge